

REMARKS

Claims 28-36 are pending. Claims 28-35 have been withdrawn from consideration by the Examiner. Claim 36 was rejected in the Office Action dated September 16, 2009.

Claim Rejections Under 35 U.S.C. §101

Claim 36 was rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter.

The Examiner rejects claim 36 as not being tied to a particular machine or apparatus and states that “creating a data file is merely insignificant extra-solution activity.” Office action at page 5.

It is respectfully submitted that claim 35 is eligible subject matter under 35 U.S.C. §101. The method is tied to a computer system comprising a plurality of gaming devices and a financial transaction host, as was seen in the corresponding apparatus claims (e.g. 28) that the Examiner has restricted from examination. Casino gaming machines and the computer infrastructure behind the games for tracking the financial data from cashless gaming are well recognized as special purpose computers. The method of claim 36 is implemented in such special purpose computers. As such, claim 36 is respectfully submitted to be fully in compliance with 35 U.S.C. §101.

Claim 36 is currently amended to remove any doubt that is tied to a special purpose machine, an electronic gaming machine.

Claim Rejections Under 35 U.S.C. §103

Claim 36 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,092,983 to Crevelt et al. ("Crevelt") in view of U.S. Patent Publication No. 2001/0031663 to Johnson ("Johnson ") in view of U.S. Patent No. 6,012,983 to Walker et al. ("Walker") and further in view of U.S. Patent Publication No. 2005/0203835 to Nhaissi et al. ("Nhaissi").

To the combination of Crevelt, Johnson, and Walker, the Examiner adds Nhaissi to arrive at an obviousness conclusion for claim 36.

The Examiner concedes that “Crevelt does not explicitly disclose the steps of determining

a tax liability for the amount won, withholding the tax liability for the amount won, and transferring the withholding to a withholding account.” Office Action at page 9. It should be noted that the other two references relied upon by the Examiner, Johnson and Walker also fail to disclose these steps, and thus the three way combination of Crevelt, Johnson, and Walker fails to disclose the aforementioned limitation.

The Examiner states that “Nhaissi discloses that gaming winnings may be transferred into an account with an amount to be paid in taxes designated as such within the account. Alternatively, the taxes may be transferred directly to a tax authority. Since gaming winnings are often subject to local and federal taxing laws, the Examiner submits that it would have been obvious to one of ordinary skill in the art to modify Crevelt .” Office Action at page 9.

However, it is respectfully submitted that (a) Nhaissi is non analogous art, and (b) one of skill in the art would not combine Nhaissi with Crevelt, Johnson and Walker.

Nhaissi is non analogous art and relates to “internet billing.” According to Nhaissi, Nhaissi relates to:

[a] method of pre-paid Internet access, comprising: accessing an Internet using a prepaid account, which access deducts from a balance of said account; and performing one or more activities while connected to said Internet, which activities modify said balance additionally to said accessing. These activities may increase or decrease the balance.

Nhaissi Abstract

For example, Figures 1, 2A and 2B of Nhaissi, reproduced below, have to do with connecting to the Internet for Internet access, as does the bulk of the reference.

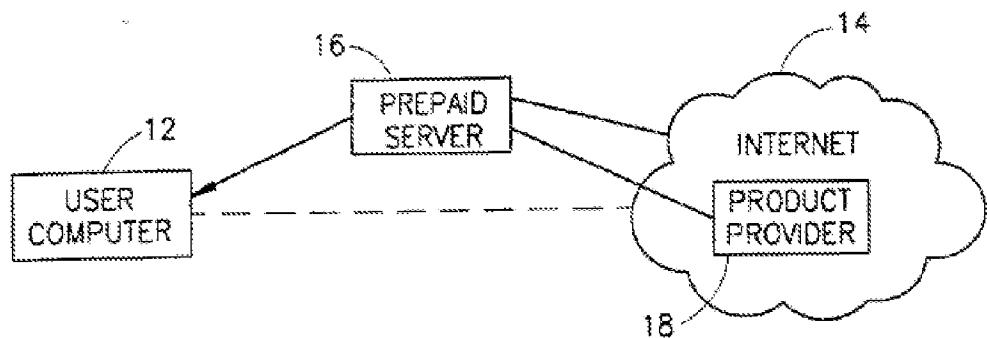


FIG.1

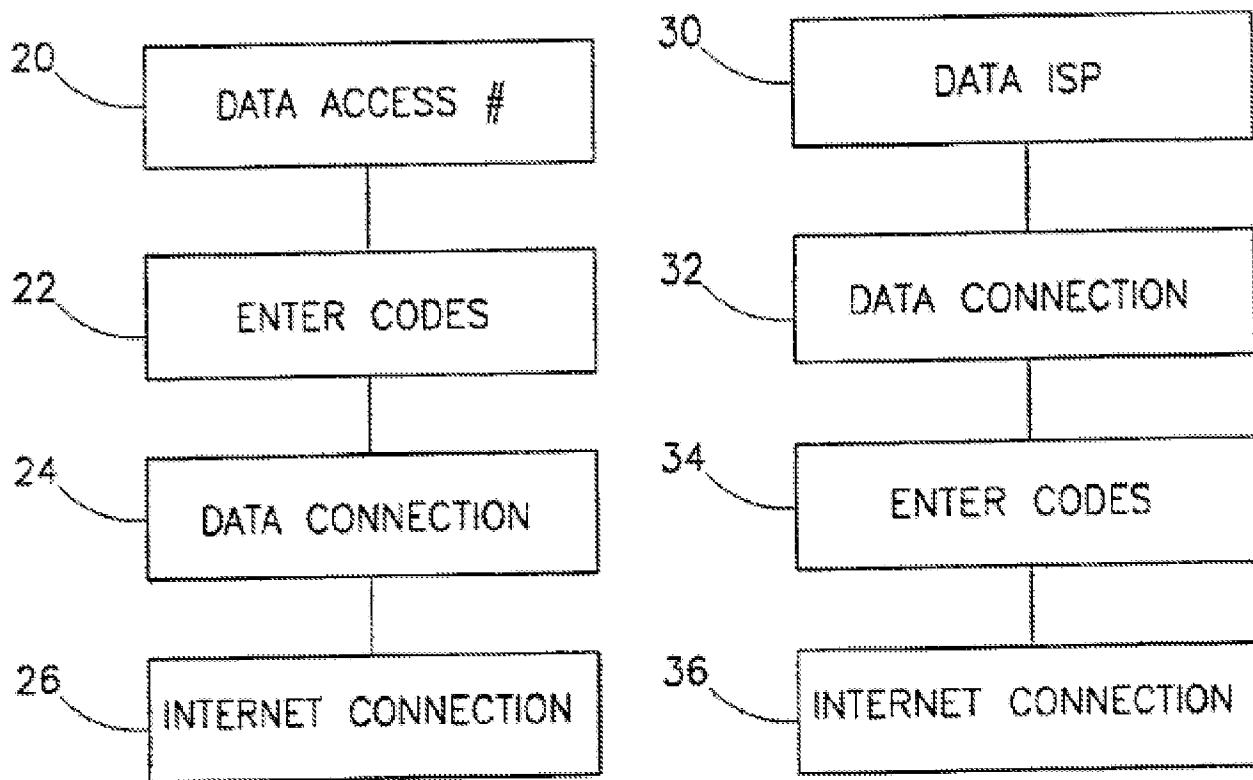


FIG.2A

FIG.2B

Additionally, this combination of Nhaissi, Crevelt, Johnson, and Walker relies on impermissible hindsight. The Examiner appears to have used the claim as a road-map and chose Nhaissi to plug the gap left in the three way combination of Crevelt, Johnson, and Walker. One of skill in the art, absent hindsight, would not combine Nhaissi's method of pre-paid internet access with Crevelt, Johnson, and Walker to arrive at the claimed invention.

Additionally, contrary to the Examiner's assertion on page 10 of the Office Action, the limitations of claim 36 do share a connection, as integrated into a system implemented in a casino gaming/management/financial system.

Thus it is respectfully submitted that claim 36 is not properly rendered obvious by the cited references and is in condition for allowance.

Information Disclosure Statement

Applicants note that the Examiner has considered all references submitted in Information Disclosure Statements dated August 26, 2009.

A Supplemental Information Disclosure Statement is being filed herewith. It is respectfully requested that this Supplemental Information Disclosure Statement be considered and the PTO Form 1449 be initialed and returned with the next Action.

CONCLUSION

Accordingly, it is believed that this application is now in condition for allowance and an early indication of its allowance is solicited. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
Weaver Austin Villeneuve & Sampson LLP

/Peter Mikhail/

Peter G. Mikhail
Reg. No. 46,930

P.O. Box 70250
Oakland, CA 94612-0250
510-663-1100